

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

BENJAMIN F. CLARK, #1206675	§	
VS.	§	CIVIL ACTION NO. 6:05cv70
UNITED STATES OF AMERICA	§	

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court referred the above-entitled and numbered civil action to United States Magistrate Judge Judith K. Guthrie. The Magistrate Judge presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and recommendations for disposition of this case. Petitioner filed objections to the Report.

This Court made a *de novo* review of Petitioner's objections and determined that they lack merit. This Court finds that the Magistrate Judge's findings and conclusions are correct, and adopts them as the Court's findings and conclusions. The Court therefore

ORDERS, ADJUDGES, and DECREES that this motion to vacate/correct illegal sentence pursuant to 28 U.S.C. § 2255 is **DENIED** and this action is **DISMISSED WITH PREJUDICE**; and,

ORDERS that all motions not previously ruled on are denied.

So ORDERED and SIGNED this 24th day of March, 2006.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE